

**The Matter Fully Argued
Judge Blodgett**

**The Court Is Doubtful of
Right to Impose a**

**And So Grants the Temp
tion Prayed Fo**

The street-railroad license co
bearing yesterday morning bef
gett, on a motion by various
an injunction against their
panies and the city to restrain
of \$50 for each an

cently imposed by ordinance of
cil. The stockholders praying
were David L. Magruder, of the
Company; Harvey D. Kitcher,
Division; and Henry P. Allen,
Chicago City Railway Company.
did his praying against the C
his own particular company, a
of the same, to the end that
might be enjoined from payin

from receiving, the alleged un-
inasmuch as the issue was pre-
for all three companies, the case
ed, as it were, into one, so the
heard at one and the same time.
ney Tuthill appeared for the
Mr. A. S. Bradley. They were
hind a formidable array of laws
affording about as much inter-
a small-sized law library. Mr.
David L. M.

On the case being called, wh
a dozen others had been dispos
hill moved to dissolve the tem
granted in the case of Magrud
of Chicago and the North Ch
ble Company, and said he was
his arguments in support of th

Mr. Skinner, for the North
pany, thought the application
companies for a similar injunction
be heard.

After some little talk, Judge
would hear the other application
called upon counsel of the West
pany to state their case.

MR. SMALL,
for the Company, referred to
forth the organization of the

powers of the Council, etc., he said, was compelled by its the space between the tracks, most of which space was used public, and not by the Company claimed that this expense, to pay was put for its paving, to contract, and that any attempt conditions was not only and unlawful, but oppressive case, that of the Mayor vs. The Railroad Company, 32 N. Y.,

been decided by the court to be in violation of the constitution of 1870. A year later, the city was granted a license, and the derogation of the rights and property of the city was lawful and void. The West had its charter rights by virtue of the Second Avenue. The imposition of a license was not to be found in the books of the rule laid down in the New York case of the Frankfort City vs. City of Philadelphia, 58 Pa. 400. The city in this case, was

one. In a recent Tennessee *Legal News* of March 23, was distinctly held that an existing charter rights by action, or the imposition of a tax was clearly and unqualifiedly in Division Company had lived on. If the right existed to impose a tax to any extent that the state proper to impose. Thus and that limit was fixed by contracts with the city.

Mr. Small consumed most

making his position. At the argument a recess was taken. On reassembling, MR. DUPRE made his argument for the company. His chief point was that he had already obtained permission to operate these very cars on the proposed to impose the \$50 license, in fact, had that license language was capable of affording complete license than the one

got. This Company actually to keep the space between the This was the sum paid to the over \$350 for every car, would ask, was it necessary to obtain solemn permission from its cars! Its charter, granting on certain conditions, was years, which, it was concluded The imposition of the ad claimed, was not the exercise any way, shape, or form, unto the highwayman's sense.

MR. TUTHILL
for the city, referred to Mr. about the Company having kept their tracks in repair, remarking that all companies kept their tracks in the right of way, so that particular merit in the Company's road-bed in order. The cost for the expense of maintaining the road-bed was really for the public and the companies had been astonished to hear that there was no rate on the road-bed.

city's position, and promise
thorities from Pennsylvania
his printed brief in support of
Magruder case to discharge
temporary injunction, and in
granting of injunctions, tel
wise, in the others. Waivi
jurisdiction, and all question
ly apparent collusion and
the companies, for jurisdic
procured themselves to be m
proceeded at once to the fac

olved in the case. The \$50 license was paid in 1878. Aug. 16, 1888, the operation of the cars in the city was authorized by the city go. Feb. 14, 1899, the General law incorporating the Chicago Company and conferring upon the cars in the South or West manner and for such terms as the city council may see fit with such rights and privileges as the city council may, by ordinance, or any or either of their

10 of the same act incorporated Chicago City Railway Company the rights conferred upon Chicago City Railway Company. The claim was, that the ordinance together with others since similar provisions, and the same were, in effect, contracts by companies and the State, and as such, were within the clause of the Constitution which forbade any State to impair the obligation of con-

the ordinance of March 1 license upon every person engaged in the occupation of running street cars and passengers upon the horse-railway in the City impair the obligation of a contract and are, therefore void. In other words, the ordinance, if it stood it, the claim was that the license cars had, by reason of the ordinance, conferred upon them certain rights and privileges which they were entitled to the protection of the action of the courts.

divested out of the city.
The Constitution of 1870 provided for the taxing authority of peddlers, auto-
mobiles and persons using franchises and privileges. The General Assembly should direct. The same provision in language was preserved in 1870, Sec. 1, Art. IX, which was given power, to tax "persons or corporations."

as it shall from time to time be determined by law, uniform as to the operation of justice. Law enforcement power could be delegated to the Legislature.

Wehrung, 46 Ill., 372.]

power in the Constitution not all, of the cases have been taxed by means of a case had the power to state callings been denied to municipalities whose chart

gation of the power from
them. In the case of The

The Tribune.

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AMUSEMENTS.

Healey's Theatre.
 Hendricks street, between Clark and LaSalle.
Parsons Theatre Company. "Hercules."
Harvey's Theatre.
 Monroe street, corner of Dearborn.
St. Louis Theatre.
 Clark street, opposite the Sherman House. Variety.
St. Louis Theatre.
 Clark street, opposite the Sherman House. Variety.
St. Louis Theatre.
 Clark street, opposite the Sherman House. Variety.

SOCIETY MEETINGS.

ASTORIA LODGE, NO. 28, A. F. & A. M.—Special meeting this Tuesday evening, in their hall, No. 78 N. LaSalle. All members and friends invited. The fraternity cordially invited.
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TUESDAY, MAY 29, 1878.

Greenbacks at the New York Stock Exchange yesterday closed at 99.
 The Senate yesterday decided by a close vote—28 to 26—to take up the bill forbidding the further retirement of legal-tender notes. Among the nays were several Senators who will support the measure, but who want to have the unfinished appropriation bills disposed of before the Senate enters upon a protracted financial debate.

Judge Davis, of Illinois, has vainly sought to serve his constituents by securing the passage of a bill providing for the appointment of an additional United States Circuit Judge for the Seventh Judicial Circuit, composed of the States of Illinois and Indiana. Such an increase in the Federal Judiciary would greatly relieve the pressure of business upon the Court, and it would seem that no better authority than Judge Davis could be asked for the need of the additional Judge.

The validity of the ordinance recently passed by the Common Council, imposing a license tax of \$50 upon all the street-car operators in the city, was yesterday argued before Judge Brown, of the United States District Court, upon a motion by the City Attorney to dissolve the temporary injunction already issued to restrain the collection from, and the payment by, the companies of the \$50 license. The decision of the Court was adverse to the city so far as it relates to the temporary injunction, which is continued in force pending a final argument and hearing of the questions of law involved. From the language of the decision of yesterday, it would appear settled that the city can hope for no better result upon a final hearing, and that the street-car companies will be able to successfully resist the payment of the tax.

A Washington dispatch says that Senator Bax, of Kentucky, "introduced a bill to repeal the existing taxes on capital and deposits of banks and bankers, and to impose taxes on a dividend in excess of 8 per cent. Refused." The banks of the West and South would be quite willing to have the dividends in excess of 8 per cent. on the conditions named, and the banks of the East would undoubtedly be willing to stand a dividend tax in excess of 6 per cent. If the tax on capital and deposits was repealed, the rates of interest would fall 1 to 2 per cent throughout the country. While the tax is collected by the Government from the banks, it is really paid by those who borrow money. Repeal that bank tax and the rate of interest would come down on an average 10 per cent, taking the whole country together. The reduction would apply to money loaned on mortgages as well as on personal security, because the rate of bank discounts declined, all money for loan would be cheapened. The tax is an oppression on the business and debtor class.

A very important element of the Democratic plan of Reconstruction was yesterday secured in the House by the adoption of that clause of the Army bill which reduces the army to 20,000 men. At the same time it was decided that the Indian Bureau shall be transferred from the Interior to the War Department, thus adding greatly to the duties of the reduced force of soldiers who are to stand between safety and peril, between Communism and Democracy, revolutionists on one side, and the peace and permanency of the Republic on the other. And for still greater security against possible hindrance by the army the revolutionists lacked on a clause which is intended to compel the President to use his hands in the event the army should be needed to enforce the Federal laws or to suppress domestic violence upon the call of the Government of States. Here is revolution making that with a rush and preparation making that may be looked for when a Republican Senate no longer bars the way to a complete overturning of the Government.

On Sunday we printed a statement of the receipts of grain in this city during the week ending Monday, May 25. That statement showed that, reduced to bushels, the receipt of grain by rail and canal during the week was 3,106,000 bushels, of which 2,066,950 bushels were corn, and 487,112 wheat. Of these receipts, 62,200 bushels were received by canal, the rest by rail. The number of cars arriving were 7,630. Yesterday, however, the receipts of grain exceeded those of any previous day in the history of even

Chicago. There were 48,400 bushels of corn received by canal, and there were 1,966 cars loaded with corn. Including wheat, oats, rye, barley, and corn, the total receipts yesterday were 1,060,000 bushels of grain. As an illustration of the ease and facility for handling large quantities of the grain, the broad management in this city, it is only necessary to say that the total number of cars bringing in this grain was 2,534; that, on the arrival of these cars, they have to be assorted and switched to the various warehouses, the grain has to be inspected and weighed, and the cars have to be emptied and hauled off to make room for those arriving. The arrival, assortment, switching, and unloading of 2,534 cars of grain in a day is a task indicating prompt, complete, and successful management. The receipt of over 1,000,000 bushels of grain in a single day is an event of rare occurrence.

The people of the United States may now prepare their minds for the real issue to be determined at the Congressional elections this fall—the issue of revolution or no revolution. There is no longer any reason to doubt that the control by the Democrats of both Houses of Congress from and after March 4, 1879, means the consummation of the revolutionary project already set on foot—that of overthrowing Hayes and seating Tilden. The letter of CLARKSON N. POTTER, printed this morning, is a virtual admission that such a purpose is distinctly contemplated as among the possibilities of the Electoral investigation. Mr. Potter's individual disclaimer of any revolutionary aim goes for nothing alongside of his significant suggestion that "it is not at all apparent that there was fraud which palpably affected the Electoral vote, fraud which the Electoral Commission did not notice, and if the legal remedy exists for correcting the error," such a proceeding under the law would not necessarily lead to disturbance; to which is added the further suggestion that "no suitable law to effect this purpose now exists, such a law should be passed."

To admit the possibility of a disturbance of the Presidential tenure as contingent upon the results of a partisan investigation organized for that express purpose, is to admit the whole case away. The object of the investigation is to find fraud in the Electoral Commission, and to correct the error "by which HAYES, instead of TILDEN, holds the office of President. This is the plain meaning of the POTTER letter.

THE REVOLUTIONARY PROGRAMME.
 The New York Sun is a very different purpose, takes the same view of the so-called "investigation" at Washington as that taken by THE CHICAGO TRIBUNE. It maintains that the movement is aimless unless it contemplates an attack on President Hayes' title, with the ultimate purpose of deposing him from office. This is certainly the only logical view of the Pottery revolution. It is admitted that the investigation itself will involve an enormous outlay of public money, which should not be incurred for the mere purpose of a partisan advantage. It is admitted that the proposed line of investigation will be precisely the same as that which was taken by the Democrats pending a settlement of the disputed election of 1876. That body had an abundance of leisure to devote a week to the trial of one Doerke, and the authorities now have been developed in Louisiana; and MONROE, who was in charge of the previous investigation in that State, is authority for the statement that nothing new will be discovered. It is admitted that the Florida witnesses are self-confessed frauds, whose recent statements were made because the Administration refused to take care of them and were brought out by active agents in Tilden's interest. It is admitted that the Democrats persistently shut out all inquiry into the election affairs of other States, which might vitiate any claim that TILDEN may set up that he lawfully acquired a majority of lawful votes. The only rational conclusion, then, is that there is an intention to establish by perjury and by proof that the Electoral vote was given fraudulently to HAYES, and to make this demonstration a means to the end of HAYES' removal.

The force of the Sun's statement does not rest alone upon its own logic; it gains additional respect from the fact that the Sun is really the prime mover in the whole affair. Its newspaper has kept alive the cry of "Fraud!" It is known to be Tilden's personal organ. It calls openly for the removal of HAYES, and professes confidence that this result will now be achieved. It points out that Mr. POTTER, when endeavoring to gain the support of the Southern Democrats, merely stated that the first purpose was to investigate, and that the future action would be determined by the result of the investigation. The Sun is, moreover, accredited with having made the preliminary arrangements for the investigation, and having worked up the so-called "confessions" which afford the pretext for proceeding. Finally, there is little doubt that the Sun, as the principal principal, assisted by certain disappointed and scheming Republican politicians, has been the chief influence in giving the insignificant BIAHA memorial the dignity of a national revolution. In obeying the Sun and the interests it represents, the Democratic cause undoubtedly undertakes to carry out the only dishonest and unscrupulous policy that has been pursued since the removal of HAYES and the substitution of TILDEN.

The Democratic programme is to secure a majority in both Houses of Congress, and then pass a resolution recognizing TILDEN as President, and refusing further official intercourse with HAYES. Additional evidence of this fact is found in an interview published by the Washington Post which an attack of that paper had with WILLIAM PITT KELLOGG, Senator from Louisiana and one of the malcontent Republicans. KELLOGG maintains that Congress can oust HAYES by mere joint or concurrent resolution on the basis of Mr. Evans' instructions to the Commission which visited Louisiana. KELLOGG then quotes Mr. EVANS to the effect that, if a single undisciplined Legislature could be obtained in Louisiana, that body would be competent to establish the State Government. This was done in Louisiana, a Legislature recognized NICHOLLS in preference to PATRICK, and NICHOLLS became Governor. Therefore, says KELLOGG, very absurdly, it is only necessary for a two Houses of Congress to agree upon a resolution to bring about a similar result in the National Government. Of course this argument is too preposterous to require serious consideration; it refers to merely to show what the aim and procedure of the cabal are to be. The fact that the President's title is already resolutely disputed in favor of HAYES and thereby endangered to the Constitutional function, does not make the slightest difference to the conspirators; they propose to override the Constitu-

tion to gratify their own spite, greed, and ambition. All this leads up to the purpose of Mexicanization which we have charged against the Democratic caucus. The theory is suggestive of all stability of Government in a Republic. The success of a first attempt will be followed by a series of revolutions and perpetual anarchy as was the first attempt in Mexico, which has never left that country in a condition of peace. The Democrats are proceeding in such a manner as to denote a desperate effort. It will not be possible to carry out their scheme before the next Congress, in which they count upon a majority in both Houses. They desire, therefore, to drag out the "investigation" beyond the endurance of the present Congress, and so enable their one-sided, partisan Committee to hold the result in abeyance till the next Congress shall have been elected. They propose also to make the "investigation" secret, so that they can practice deception upon the people and the Congress, and to make the investigation a pretext for the suppression of fraud as an agent in the Congressional elections of the coming fall. It is said that they will have the active cooperation of BEN BUTLER in all this, so that the Republicans will really be represented by only three members as against eight. But they ignore one essential feature of the revolutionary project already set on foot—that of overthrowing HAYES and seating TILDEN. The letter of CLARKSON N. POTTER, printed this morning, is a virtual admission that such a purpose is distinctly contemplated as among the possibilities of the Electoral investigation. Mr. Potter's individual disclaimer of any revolutionary aim goes for nothing alongside of his significant suggestion that "it is not at all apparent that there was fraud which palpably affected the Electoral vote, fraud which the Electoral Commission did not notice, and if the legal remedy exists for correcting the error," such a proceeding under the law would not necessarily lead to disturbance; to which is added the further suggestion that "no suitable law to effect this purpose now exists, such a law should be passed."

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THE IMPOTENT AND MALIGNANT MAJORITY IN THE HOUSE.
 The programme of the Democratic party in Congress is to have no legislation at this session,—to pass the Appropriation bills and to vote the remainder of the time to the point of reviving the question of investigation, to smother the character of the President and some Republican leaders, and then go home to hovel until November of the "great fraud" committed on SAM TILDEN. There is not a rational Democrat in the land who favors a trial of the Presidential title who is not in favor also of the Mexican plan of deposing the President by a vote of the majority in Congress is personally opposed to him. The country has had enough of civil war, and has had enough of armed revolution, and has heard enough of the building and the returning boards, and wishes to hear no more of them; and the neglect or refusal of Congress to pass legislation of vital importance for the purpose of the popular heart, and the neglect of the most powerful States, and now most extraordinary exhibitions of the frenzy of the natural elements seem to be in order. The recent terrible "explosion" of the immense flouring-mills at Minneapolis was caused by some powerful agent that has as yet escaped having the responsibility fixed upon it by any of the experts, practical millers, Corners' juries, and the most powerful States, and now most extraordinary exhibitions of the frenzy of the natural elements seem to be in order. 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